



Judge to hear lawsuit trying to force Gov. Cuomo to set special election for congressional seat on Friday

cuomo.jpg

A lawsuit is attempting to force Gov. Andrew Cuomo in setting a special election for Staten Island's vacated congressional seat. (*Associated Press*)

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STATEN ISLAND, N.Y. -- A judge is expected to hear arguments Friday morning in a lawsuit filed against Gov. Andrew Cuomo which argues that his failure to set a special election date to fill the congressional vacancy violates the constitutional rights of residents of Staten Island and southern Brooklyn.

Judge Jack Weinstein will hear the case at 10:30 a.m. in Brooklyn Federal Court.

Staten Island lawyer Ronald Castorina Jr. is representing the plaintiffs: Rosie Rossito-Canty, Diane Sepulveda, Frank Morano, Matthew J. Mari, Erik Pistek, Lawrence Gilder, David Pascarella and Michael Reilly.

Castorina, also a city Board of Elections Republican commissioner, is representing the plaintiffs pro bono and filed the suit in the U.S. District Court for the Eastern District of New York.

Cuomo is constitutionally required to call a special election to fill the vacated seat. The election must take place within 70 to 80 days of when he announces it. However, the governor has discretion as to when to call for a special election, which could prevent it from taking place until the next general election in November.

Former Rep. Michael Grimm resigned last month after pleading guilty to felony tax fraud in connection to a Manhattan health food restaurant he used to co-own before being elected.

The suit requests that the court compel the governor to set a special election.

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